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## NOTICE OF ALLOWANCE AND FEE(S) DUE

29154 7590 04/24/2009

FREDERICK W. GIBB, III  
Gibb Intellectual Property Law Firm, LLC  
2568-A RIVA ROAD  
SUITE 304  
ANNAPOLIS, MD 21401

EXAMINER

KARDOS, NEIL R

ART UNIT

PAPER NUMBER

3623

DATE MAILED: 04/24/2009

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
|-----------------|-------------|----------------------|---------------------|------------------|

10/707,973

01/29/2004

Brian T. Denton

BUR920040008US1

1972

TITLE OF INVENTION: METHOD FOR SIMULTANEOUSLY CONSIDERING CUSTOMER COMMIT DATES AND CUSTOMER REQUEST DATES

| APPLN. TYPE    | SMALL ENTITY | ISSUE FEE DUE | PUBLICATION FEE DUE | PREV. PAID ISSUE FEE | TOTAL FEE(S) DUE | DATE DUE   |
|----------------|--------------|---------------|---------------------|----------------------|------------------|------------|
| nonprovisional | NO           | \$1510        | \$300               | \$0                  | \$1810           | 07/24/2009 |

**THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.**

**THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.**

### HOW TO REPLY TO THIS NOTICE:

#### I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

**IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.**

# **PART B - FEE(S) TRANSMITTAL**

**Complete and send this form, together with applicable fee(s), to: Mail Mail Stop ISSUE FEE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
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INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

29154 7590 04/24/2009

**FREDERICK W. GIBB, III**  
Gibb Intellectual Property Law Firm, LLC  
2568-A RIVA ROAD  
SUITE 304  
ANNAPOLIS, MD 21401

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

## **Certificate of Mailing or Transmission**

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

|                    |
|--------------------|
| (Depositor's name) |
| (Signature)        |
| (Date)             |

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
|-----------------|-------------|----------------------|---------------------|------------------|

10/707,973 01/29/2004 Brian T. Denton BUR920040008US1 1972

TITLE OF INVENTION: METHOD FOR SIMULTANEOUSLY CONSIDERING CUSTOMER COMMIT DATES AND CUSTOMER REQUEST DATES

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| nonprovisional | NO           | \$1510        | \$300               | \$0                  | \$1810           | 07/24/2009 |

| EXAMINER       | ART UNIT | CLASS-SUBCLASS |
|----------------|----------|----------------|
| KARDOS, NEIL R | 3623     | 705-008000     |

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
- ☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1 \_\_\_\_\_
- (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2 \_\_\_\_\_
- 3 \_\_\_\_\_

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE (B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent) : ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee
- ☐ Publication Fee (No small entity discount permitted)
- ☐ Advance Order - # of Copies \_\_\_\_\_

4b. Payment of Fee(s); (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number \_\_\_\_\_ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature \_\_\_\_\_

Date \_\_\_\_\_

Typed or printed name \_\_\_\_\_

Registration No. \_\_\_\_\_

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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|--|-------------|----------------------|-------------------------|------------------|
| 10/707,973   | 01/29/2004  | Brian T. Denton      | BUR920040008US1         | 1972             |
| 29154  | 7590        | 04/24/2009           | EXAMINER                |                  |
| FREDERICK W. GIBB, III<br>Gibb Intellectual Property Law Firm, LLC<br>2568-A RIVA ROAD<br>SUITE 304<br>ANNAPOLIS, MD 21401 |             |                      | KARDOS, NEIL R          |                  |
|  |             |                      | ART UNIT                | PAPER NUMBER     |
|  |             |                      | 3623                    |                  |
|  |             |                      | DATE MAILED: 04/24/2009 |                  |

## Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 1099 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 1099 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

|                               |                        |                     |  |
|-------------------------------|------------------------|---------------------|--|
| <b>Notice of Allowability</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                               | 10/707,973             | DENTON ET AL.       |  |
|                               | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|                               | Neil R. Kardos         | 3623                |  |

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 2/17/2009.
2. ☒ The allowed claim(s) is/are 1,5,6,21,22,26,34,35,37 and 41.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
  - \* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

**Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |   |
|---|---|
| <ol style="list-style-type: none"> <li>1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)</li> <li>2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</li> <li>3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br/>Paper No./Mail Date <u>2/2/09, 4/8/09</u></li> <li>4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material</li> </ol> | <ol style="list-style-type: none"> <li>5. <input type="checkbox"/> Notice of Informal Patent Application</li> <li>6. <input type="checkbox"/> Interview Summary (PTO-413),<br/>Paper No./Mail Date _____.</li> <li>7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment</li> <li>8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance</li> <li>9. <input type="checkbox"/> Other _____.</li> </ol> |
|---|---|

/Beth V. Boswell/  
Supervisory Patent Examiner, Art Unit 3623

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### **DETAILED ACTION**

The following Office Action is a response to communications filed on February 17, 2009. Claims 1, 5, 21, 22, 34, 35, 37, and 41 have been amended by examiner's amendment. Claims 2-4, 23-25, 36, 38-40, and 42-43 have been cancelled (and claims 7-20 and 27-33 were previously cancelled). Currently, claims 1, 5, 6, 21, 22, 26, 34, 35, 37, and 41 are pending and have been allowed. This action includes an examiner's amendment and reasons for allowance.

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on February 17, 2009 has been entered.

### ***Examiner's Amendment***

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Pamela Riley on April 16, 2009. The application has been amended as follows:

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**In the claims:**

**Please amend claim 1 as follows:**

1. A computer-implemented method for determining a supply chain plan comprising:  
receiving, by a computer, an original ~~a single~~ demand record for a demand for a product  
having an original part number, said original ~~single~~ demand record having multiple different  
demand dates for shipping said product, said different demand dates comprising a first demand  
date and a second demand date later than said first demand date;

creating, by said computer, from said original ~~a single~~ demand record ~~for a demand~~, a  
plurality of distinct demand records for said demand, wherein each of said distinct demand  
records ~~for said demand~~ has only ~~a single~~ one of said different demand dates, said creating of  
said plurality of distinct demand records comprising:[[:]]

creating a first artificial part number for satisfying said first demand date and a  
second artificial part number for satisfying said second demand date;

assigning said demand for said product to said first artificial part number and to  
said second artificial part number;

associating different priorities with said first artificial part number and said  
second artificial part number, said different priorities comprising a first priority for said first  
artificial part number and a second priority for said second artificial part number, said second  
priority being relatively higher than said first priority;

associating different penalties with said first artificial part number and said  
second artificial part number;

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creating distinct binning records for said first artificial part number and said second artificial part number so that said original part number references both said first artificial part number and said second artificial part number;

~~performing, by said computer, core processing to create said supply chain plan, wherein said core processing separately and simultaneously considers each one of said distinct demand records for said demand when creating said supply chain plan, attempting to satisfy, at a same time, each of said multiple different demand dates; and~~

performing, by said computer, core processing that considers each one of said distinct demand records having only one of said different demand dates, including considering said first artificial part number, said second artificial part number, said different priorities, and said different penalties;

selecting, by said computer, one of said distinct demand records for supplying said demand based on said core processing and re-instituting, by said computer, said original part number to replace said first artificial part number and said second artificial part number; and

outputting, by said computer, a supply chain plan report based on results of said core processing, said supply chain plan indicating which of said distinct demand records were selected.

**Please cancel claims 2-4**

**Please amend claim 5 as follows:**

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5. The method of claim 1, ~~further comprising~~ wherein selecting one of said distinct demand records for supplying said original ~~single~~ demand record[[,]] is based at least in part upon pricing.

**Please amend claim 21 as follows:**

21. A computer-implemented method for determining a supply chain plan comprising:

receiving, by a computer, an original ~~a single~~ demand record for a demand for a product having an original part number, said original ~~single~~ demand record having multiple different demand dates for shipping said product, said different demand dates comprising a first demand date and a second demand date later than said first demand date;

creating, by said computer, from said original ~~a single~~ demand record ~~for a demand~~, a plurality of distinct demand records for said demand, wherein each of said distinct demand records ~~for said demand~~ has only ~~a single~~ one of said different demand dates, said creating of said plurality of distinct demand records comprising: [[;]]

creating a first artificial part number for satisfying said first demand date and a second artificial part number for satisfying said second demand date;

assigning said demand for said product to said first artificial part number and to said second artificial part number;

associating different priorities with said first artificial part number and said second artificial part number, said different priorities comprising a first priority for said first artificial part number and a second priority for said second artificial part number, said second priority being relatively higher than said first priority;



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associating different penalties with said first artificial part number and said second artificial part number;

creating distinct binning records for said first artificial part number and said second artificial part number so that said original part number references both said first artificial part number and said second artificial part number;

~~performing, by said computer, core processing to create said supply chain plan, wherein said core processing separately and simultaneously considers each one of said distinct demand records for said demand when creating said supply chain plan, attempting to satisfy, at a same time, each of said multiple different demand dates; and~~

performing, by said computer, core processing that considers each one of said distinct demand records having only one of said different demand dates, including considering said first artificial part number, said second artificial part number, said different priorities, and said different penalties;

~~after said performing of said core processing, selecting, by said computer, one of said distinct demand records for supplying said single demand record, demand based on said core processing and re-instituting, by said computer, said original part number to replace said first artificial part number and said second artificial part number, wherein said selecting process is based at least in part upon pricing; and~~

outputting, by said computer, a supply chain plan report based on results of said core processing and said selecting, said supply chain plan indicating which of said distinct demand records were selected.

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**Please amend claim 22 as follows:**

22. The method of ~~[[in]]~~ claim 21, wherein said selecting process is based upon ~~provides~~ different prices for different demand dates.

**Please cancel claims 23-25.**

**Please cancel claim 36.**

**Please amend claim 37 as follows:**

37. (Currently Amended) The method of claim ~~[[36]]~~ 1, ~~further comprising setting penalties for said first new part number and said second new part number, wherein said different penalties~~ comprise at least:

a first backorder penalty for said first artificial ~~new~~ part number and a second backorder penalty for said second artificial ~~new~~ part number, wherein said first backorder penalty is relatively low compared to said second backorder penalty and wherein the sum of said first backorder penalty and said second backorder penalty equals ~~combine is equal to~~ an original backorder penalty for said ~~single~~ demand for said product; and

a first inventory cost for said first artificial ~~new~~ part number and a second inventory cost for said second artificial ~~new~~ part number, wherein said first new inventory cost is set to be at least as high as an original inventory cost for said ~~single~~ demand for said product and said second new inventory cost is set to ~~[[at]]~~ zero.

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**Please cancel claims 38-40.**

**Please amend claim 41 as follows:**

41. (Currently Amended) The method of claim [[40]] 21, ~~further comprising setting penalties for said first new part number and said second new part number, wherein said different penalties~~ comprise at least:

a first backorder penalty for said first artificial new part number and a second backorder penalty for said second artificial new part number, wherein said first backorder penalty is relatively low compared to said second backorder penalty and wherein the sum of said first backorder penalty and said second backorder penalty ~~equals combine is equal to~~ an original backorder penalty for said ~~single demand~~ for said product; and

a first inventory cost for said first artificial new part number and a second inventory cost for said second artificial new part number, wherein said first new inventory cost is set to be at least as high as an original inventory cost for said ~~single demand~~ for said product and said second new inventory cost is set to [[at]] zero.

**Please cancel claims 42-43.**

### ***Reasons for Allowance***

Claims 1, 5, 6, 21, 22, 26, 34, 35, 37, and 41 have been allowed.

The following is an examiner's statement of reasons for allowance: The prior art of record, taken individually or in any combination, does not teach or fairly suggest, inter alia,

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creating multiple demand records with a single demand date from an original demand record with multiple demand dates by creating artificial part numbers for each demand date, assigning demand from the original demand record to the artificial part numbers, associating different priorities and penalties to the artificial part numbers, and associating an original part number with the artificial part numbers. The prior art also does not teach or fairly suggest performing core processing that considers the artificial part numbers, selecting a demand record to supply the demand based on the core processing, and then re-instituting the original part number to replace the associated artificial part number.

The prior art references most closely resembling Applicant's claimed invention are Milne (US 5,943,484), Crampton (US 6,898,472), James (EPO 0425405 A2), and Hegedus ("Due Date Setting with Supply Constraints in Systems Using MRP").

Milne teaches matching customer demand with existing parts and associating different priorities to the parts. Milne also teaches performing core processing via linear programming in order to match the customer demand to the parts. Milne further teaches creating "dummy" part numbers to represent multiple-process data as a single process, and re-instituting the original part number later in the method. For example, if a part A can be made by either process 1 or process 2, Milne creates a dummy part number A1 and A2 for each of these processes that create the same part. The dummy part numbers taught by Milne represent situations where a part can be made by different processes. In contrast, the artificial part numbers of the claimed invention represent different demand dates for shipping a product. Milne does not teach or fairly suggest this limitation.

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Crampton teaches allocating resources to customer orders based on order attributes, including customer need dates, customer preference dates, and priorities. Crampton also teaches performing core processing via an algorithm that considers the order attributes. However, Crampton does not teach or fairly suggest creating multiple demand records with a single demand date from an original demand record with multiple demand dates, including creating artificial part numbers for each demand date and assigning demand from the original demand record to the artificial part numbers. Crampton does not consider creating artificial part numbers, and thus does not teach or fairly suggest the claimed invention.

James teaches an order promising system to allocate resources to customer demand. The system of James considers customer specified dates as well as best available dates when allocating resources. However, the system of James does not create artificial part numbers for these different dates, nor does it create multiple demand records with a single demand date from an original demand record. Thus, James does not teach or fairly suggest the claimed invention.

Hegedus teaches quoting due dates in a make-to-order manufacturing environment where customers request due dates and the supplier commits a due date. The model taught by Hegedus considers both of these dates in order to set an optimal due date. Hegedus does not teach creating multiple demand records with a single demand date from an original demand record with multiple demand dates, including creating artificial part numbers for each demand date and assigning demand from the original demand record to the artificial part numbers. Thus, Hegedus does not teach or fairly suggest the claimed invention.

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Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### *Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Peachey-Kountz (US 7,444,295), directed to an available to promise system that considers customer request dates as well as earlier dates.
- Chen, Chien-Yu, et al. "Quantity and Due Date Quoting Available to Promise" *Information Systems Frontiers* 3:4 (2001) pp. 477-488.
- Wang, Dingwei, et al. "Soft Computing for Multicustomer Due-Date Bargaining" *IEEE Transactions on Systems, Man, and Cybernetics—Part C: Applications and Reviews* 29:4 (1999) pp. 566-575.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Neil R. Kardos whose telephone number is (571) 270-3443. The examiner can normally be reached on Monday through Friday from 9 am to 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Beth Boswell can be reached on (571) 272-6737. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Neil R. Kardos  
Examiner  
Art Unit 3623

NRK  
4/16/09

/Beth V. Boswell/  
Supervisory Patent Examiner, Art Unit 3623